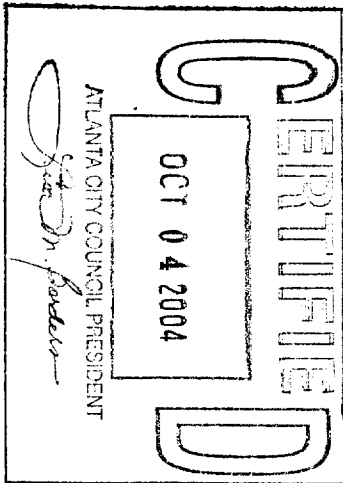


04-R-1689

Entered - 08/06/04 - sb
CL04L0488 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL L. LOCKLEAR,**
through his insurance carrier,
MetLife Auto & Home
P. O. Box 668
Warwick, RI 02887



For damages alleged to have been sustained as a result of a vehicular accident on April 7, 2004 at Boulevard and Confederate Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

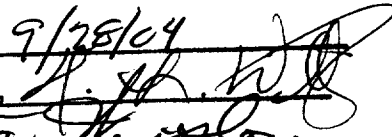
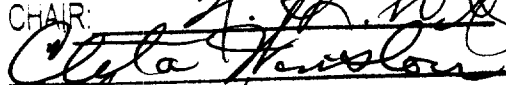
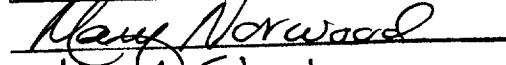
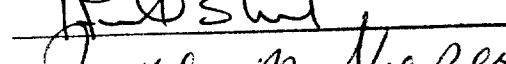
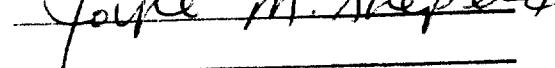
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE:

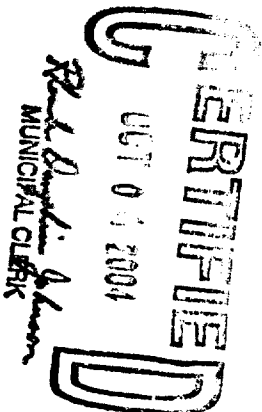
9/28/04

CHAIR:

ADVERSED BY
CITY CLERK

OCT 04 2004





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

October 8, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

MetLife Auto & Home
Insurance Carrier
Subrogation Dept. CHB70268
P.O. Box 668
Warwick, RI 02887

04-R-1689

RE: Michael L. Locklear

Dear Madam/Sir:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 04, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0488

Date: September 15, 2004

Claimant /Victim MICHAEL L. LOCKLEAR
BY: (Ins. Co.) MetLife Auto & Home
Address: P. O. Box 668, Warwick, RI 02887
Subrogation: X Claim for Property damage \$ 4,673.25 Bodily Injury \$ _____
Date of Notice: 04/23/04 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 04/07/04 Place: Boulevard and Confederate Avenue
Department Fire Bureau: _____
Employee involved Henry Hitt Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges he was involved in a vehicular accident with a fire vehicle causing damage to his vehicle. The investigation determined that at the time of the accident the fire apparatus was responding to an emergency call with lights and siren engaged and that the claimant failed to yield right-of-way to same causing the collision. There was no negligence on the part of the City employee in causing this accident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

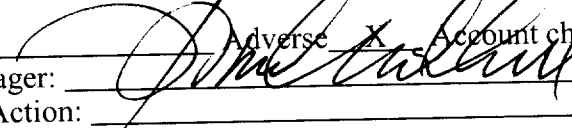
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent X City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 09/15/04
Committee Action: _____ Council Action _____

RCS# 6083
10/04/04
1:58 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588
 1589 1591 1592 1252 1254
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418 2. 04-O-1441 3. 04-O-1565 4. 04-O-1567 5. 04-O-0438 6. 04-O-1507 7. 04-O-1559 8. 04-O-1572 9. 04-O-1582 10. 04-O-1728 11. 04-O-1732 12. 04-R-1655 13. 04-R-1421 14. 04-R-1668 15. 04-R-1719 16. 04-R-1487 17. 04-R-1624 18. 04-R-1673 19. 04-R-1674 20. 04-R-1675 21. 04-R-1491 22. 04-R-1659 23. 04-R-1660 24. 04-R-1661 25. 04-R-1662 26. 04-R-1663 27. 04-R-1664 28. 04-R-1665 29. 04-R-1613 30. 04-R-1676 31. 04-R-1677 32. 04-R-1678 33. 04-R-1679 34. 04-R-1680 35. 04-R-1681 36. 04-R-1682 37. 04-R-1718	38. 04-R-1683 39. 04-R-1684 40. 04-R-1685 41. 04-R-1686 42. 04-R-1687 43. 04-R-1688 44. 04-R-1689 45. 04-R-1690 46. 04-R-1691 47. 04-R-1692 48. 04-R-1693 49. 04-R-1694 50. 04-R-1695 51. 04-R-1696 52. 04-R-1697 53. 04-R-1698 54. 04-R-1699 55. 04-R-1700 56. 04-R-1701 57. 04-R-1702 58. 04-R-1703 59. 04-R-1704	60. 04-R-1705 61. 04-R-1706 62. 04-R-1707 63. 04-R-1708 64. 04-R-1709 65. 04-R-1710 66. 04-R-1711 67. 04-R-1712 68. 04-R-1713 69. 04-R-1714 70. 04-R-1715 71. 04-R-1716 72. 04-R-1717